

## Message Text

CONFIDENTIAL

PAGE 01 CARACA 06123 01 OF 02 040317Z

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ACTION DLOS-03

INFO OCT-01 EA-13 ISO-00 COA-01 L-02 SS-14 INR-10 ARA-10

IO-03 RSC-01 DRC-01 /059 W

----- 007161

R 032100Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4487

AMEMBASSY JAKARTA

C O N F I D E N T I A L SECTION 1 OF 2 CARACAS 6123

STADIS

LIMDIS

FROM US DEL LOS

EO 11652: GDS

TAGS: PLOS

SUBJECT: LOS: US-INDONESIAN CONSULTATIONS

REF: JAKARTA 7984

1. FOR INR/RGE. REQUEST DEPARTMENT POUCH COPY TWO-SHEET  
INDONESIA ARCHIPELAGO SEALANES MAP TO AMEMBASSY JAKARTA BY  
FASTEST AVAILABLE MEANS.

2. WE AGREE WITH AMBASSADOR'S SUGGESTIONS PARA 2 REFTTEL,  
AND APPRECIATE BEING ALERTED TO POINTS RAISED. WE BELIEVE  
THERE IS MERIT IN EMBASSY PROVIDING SOME REPLIES AND  
REASSURANCES REGARDING POINTS RAISED, WHILE SUGGESTING  
THAT WE GO INTO DETAILS IN CARACAS AS SOON AS POSSIBLE.

3. FYI. INDONESIAN PREFERENCE FOR USE OF TERM "SEALANES"  
IN ARCHIPELAGOS MAY IN FACT HAVE INCREASED GOI CONCERNS  
REGARDING OFFSHORE INSTALLATIONS AND EXPLOITATION. WITH  
REFERENCE TO INSTALLATIONS AND DEVICES FOR SEABED EXPLORA-  
TION AND EXPLOITATION, ART. 5(6) OF THE CONVENTION ON THE  
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PAGE 02 CARACA 06123 01 OF 02 040317Z

CONTINENTAL SHELF STATES, QUOTE NEITHER THE INSTALLATIONS

OR DEVICES, NOR THE SAFETY ZONES AROUND THEM, MAY BE ESTABLISHED WHERE INTERFERENCE MAY BE CAUSED TO THE USE OF RECOGNIZED SEALANES ESSENTIAL TO INTERNATIONAL NAVIGATION. END QUOTE MOCHTAR IS HIGHLY KNOWLEDGEABLE ON CONTINENTAL SHELF REGIME. WHILE CONTINENTAL SHELF REGIME WOULD NOT REPEAT NOT APPLY IN ARCHIPELAGO (ARCHIPELAGO REGIME WOULD BE SELF-CONTAINED), POSSIBLE GOI CONCERNS REGARDING ANALOGY TO SHELF REGIME ARE UNDERSTANDABLE AS THE UNDERLYING PROBLEMS ARE SIMILAR. END FYI.

4. THE FOLLOWING IS SPECIFIC GUIDANCE ON POINTS RAISED IN PARA 3 OF REFTTEL:

A. INDONESIA WOULD HAVE EXCLUSIVE JURISDICTION OVER ALL SEABED EXPLORATION AND EXPLOITATION IN ARCHIPELAGO, AND COULD CONDUCT SUCH ACTIVITIES ANYWHERE IN ARCHIPELAGO, INCLUDING SEALANES DEFINED AS WE SUGGEST. OBVIOUSLY, SUCH ACTIVITIES, INCLUDING THE LOCATION OF INSTALLATIONS AND SAFETY ZONES, SHOULD NOT RESULT IN UNJUSTIFIABLE INTERFERENCE WITH THE RIGHT OF TRANSIT. WE ARE PREPARED TO DISCUSS DETAILED ASPECTS OF THIS ACCOMMODATION OF USE QUESTION, BUT WISH TO ASSURE GOI THAT WE DO NOT REPEAT NOT INTEND TO PRECLUDE CONSTRUCTION OF OFFSHORE INSTALLATIONS OR ESTABLISHMENT OF SAFETY ZONES AROUND THEM IN SEALANES DEFINED AS WE SUGGEST. IN FACT, WE BELIEVE THAT THE SEALANES WE SUGGEST MAY GIVE GOI MORE FLEXIBILITY ON THE LOCATION OF RESOURCE ACTIVITIES THAN NARROW LANES.

B. POLLUTION REGULATIONS FOR SEABED EXPLORATION AND EXPLOITATION IN ARCHIPELAGIC WATERS WOULD BE MADE AND ENFORCED BY THE ARCHIPELAGIC STATE. WE WOULD NOTE, AS A SEPARATE MATTER NOT REPEAT NOT RELATED TO THE ARCHIPELAGO QUESTION, THAT THE US SUPPORTS IN THE POLLUTION NEGOTIATIONS AN OBLIGATION ON ALL STATES TO RESPECT MINIMUM INTERNATIONAL STANDARDS FOR SEABED EXPLORATION AND EXPLOITATION IN AREA OF COASTAL SEABED RESOURCE JURISDICTION ADJACENT TO THE TERRITORIAL SEA.

C. THE QUESTION OF VESSEL-SOURCE POLLUTION IS A COMPLEX ONE AND WE RECOMMEND JOINT EXAMINATION OF THE PROBLEM  
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PAGE 03 CARACA 06123 01 OF 02 040317Z

IN CARACAS. WE BELIEVE WE AND GOI WILL NOT ENCOUNTER MAJOR PROBLEMS ONCE THE ISSUES AIRED.

(1) CONSTRUCTION. VESSELS CANNOT BE SUBJECTED TO DIFFERENT CONSTRUCTION STANDARDS IN DIFFERENT AREAS, AND ENFORCEMENT OF CONSTRUCTION STANDARDS IS NOT PRACTICABLE OUTSIDE PORTS. ACCORDINGLY, RIGHT TO MAKE OR ENFORCE VESSEL CONSTRUCTION STANDARDS

WOULD NOT BE COMPATIBLE WITH THE RIGHT OF PASSAGE. IF THE GOI DESIRES, WE COULD SUPPORT A REQUIREMENT THAT VESSELS EXERCISING THE RIGHT OF ARCHIPELAGIC PASSAGE ADHERE TO APPLICABLE INTERNATIONAL CONSTRUCTION STANDARDS, SUBJECT OF COURSE TO THE NORMAL EXCEPTIONS FOR VESSELS ENTITLED TO SOVEREIGN IMMUNITY. THIS WOULD NOT REPEAT NOT REQUIRE INDONESIAN RATIFICATION OF POLLUTION CONVENTIONS, OR IMPLY THAT SUCH STANDARDS NEED BE APPLIED TO INDONESIAN VESSELS.

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PAGE 01 CARACA 06123 02 OF 02 040319Z

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ACTION DLOS-01

INFO OCT-01 EA-13 ISO-00 COA-01 L-02 SS-14 INR-10 ARA-10

IO-03 RSC-01 DRC-01 /057 W

----- 007190

R 032100Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4488

AMEMBASSY JAKARTA

C O N F I D E N T I A L SECTION 2 OF 2 CARACAS 6123

STADIS//////////

LIMDIS

FROM US DEL LOS

(2) OPERATIONAL DISCHARGES. IF THE GOI DESIRES, WE COULD SUPPORT A REQUIREMENT THAT VESSELS EXERCISING THE RIGHT OF ARCHIPELAGIC PASSAGE ADHERE TO APPLICABLE INTERNATIONAL DISCHARGE STANDARDS, SUBJECT OF COURSE TO THE NORMAL EXCEPTIONS FOR VESSELS ENTITLED TO SOVEREIGN IMMUNITY. THE STANDARDS IN THE NEW IMCO TREATY ARE QUITE HIGH, WHILE AT THE SAME TIME ACCOMMODATING LEGITIMATE SHIPPING NEEDS. WE RECOGNIZE THAT THE ARCHIPELAGIC STATE MAY BE IMMEDIATELY AFFECTED BY DISCHARGES IN VIOLATION OF SUCH INTERNATIONAL DISCHARGE STANDARDS. ACCORDINGLY, WE ARE PREPARED TO SUPPORT ENFORCEMENT OF SUCH DISCHARGE STANDARDS BY THE ARCHIPELAGIC STATE SUBJECT TO REASONABLE SAFEGUARDS.

(3) IF THE GOI WISHES TO DISCUSS SUCH QUESTIONS REGARDING VESSELS IN PASSAGE AS INSURANCE, LIABILITY, AND INTERVENTION IN THE EVENT OF CASUALTY, WE ARE READY TO DO SO, AND WOULD NOT ANTICIPATE ANY DIFFICULTIES AT ACHIEVING A RESULT BOTH SIDES REGARD AS SENSIBLE.

(4) OTHER POLLUTION SOURCES (EG. DUMPING) ARE OUTSIDE  
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PAGE 02 CARACA 06123 02 OF 02 040319Z

THE SCOPE OF THE RIGHT OF ARCHIPELAGIC PASSAGE. AS WE INDICATED, WITH THE EXCEPTION OF THE RIGHT OF ARCHIPELAGIC PASSAGE, ALL ACTIVITIES IN ARCHIPELAGIC WATERS WOULD BE SUBJECT TO THE EXCLUSIVE JURISDICTION OF THE ARCHIPELAGIC STATE.

(5) IN APPROACHING THESE ISSUES, EVERY STATE MUST SEEK TO BALANCE ITS ENVIRONMENTAL INTERESTS WITH ITS NAVIGATIONAL INTERESTS. WHAT IS DONE REGARDING POLLUTION IN THE ARCHIPELAGO WILL HAVE A BEARING ON THE DUTIES OF INDONESIAN AND OTHER VESSELS IN OTHER AREAS. WE KNOW THE GOI APPRECIATES THIS INTERCONNECTION, AND WE BELIEVE THE CONCLUSIONS WE SUGGEST SHOULD CONSTITUTE A FAIR BALANCE OF THESE INTERESTS FOR BOTH OF US.

D. MAPS BEING POUCHED IN ACCORDANCE WITH PARA 1 OF THIS CABLE.  
STEVENSON

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## Message Attributes

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